REMARKS

This is in response to the Official Action mailed July 5, 2002 for the above-identified patent application. Following the Examiner's restriction requirement, Applicants confirm the election of the invention of Group I, corresponding to Claims 1-5, for further prosecution in this application. It is understood that Claim 6 has been withdrawn from consideration by the Examiner. The restriction requirement is respectfully traversed because Applicants respectfully submit that all claims could be properly examined together without imposing an undue burden on the Examiner. Claims 1-5 are now pending in the application. Claim 1 has been amended as is further discussed below.

The specification has been amended to disclose on page 1 after the title that this application is a national phase application of International Application No. PCT/JP99/02333, which was filed on April 27, 1999 and which published in Japanese on November 18, 1999, which in turn claims priority from Japanese Application No. 10 128 348, which was filed on May 12, 1998. It is respectfully submitted that the amendment does not constitute new matter.

Claims 1-5 have been rejected under 35 U.S.C. § 112, second paragraph as indefinite for failing to clarify how the five polymeric layer film is formed via vapor deposition and the order in which the layers are disposed. Accordingly, Claim 1 has been amended to recite that the five layers are disposed in the order recited. The amendment is supported by the specification as originally filed (Specification, p. 3, lines 2-4 and 14-16, and p. 8, lines 10-22) and therefore does not constitute new matter. In view of the foregoing, withdrawal of the rejection under 35 U.S.C. § 112, second paragraph of Claims 1-5 is respectfully requested.

Claims 1-2 and 5 have been rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,750,262 (Gasse et al.). According to the Examiner, Gasse et al. teaches a film

composed of a polyamide resin layer A, a polyamide resin layer blend B of 10-60% weight of amorphous polyamide resin and 40-90 weight% of aliphatic polyamide resin, an adhesive layer D and a seal layer C, where a preferred five-layer structure is A/D/B/D/C. According to the Examiner, the film of Gasse et al. meets the limitation of the invention claimed in Claims 1-2 and 5.

However, it is respectfully submitted that Claims 1-2 and 5 are not anticipated by Gasse et al. Claim 1 has been amended to expressly recite that the film is stretched in biaxial directions and has a thickness of about 15 to about 35 μm. The amendment is supported by the specification as originally filed (Specification, p. 4, lines 7-9 and p. 3, line 25) and therefore does not constitute new matter. In contrast, Gasse et al. explicitly states that "[t]he film must not be stretched" (col. 2, lines 9-10). Gasse et al. further states that polyamide films have the disadvantage that, due to stretching, they are no longer thermoformable (col. 1, lines 25-30). Accordingly, Gasse et al. teaches away from a film that is stretched, as recited in Claim 1. Accordingly, it is respectfully submitted that Claim 1 (and Claims 2 and 5 ultimately dependent thereon) are not anticipated by Gasse et al. In view of the foregoing, withdrawal of the rejection under 35 U.S.C. § 102(b) of Claims 1, 2 and 5 as anticipated by Gasse et al. is respectfully requested.

Claims 3-4 have been rejected under 35 U.S.C. § 103(a) as obvious in view of U.S. Patent No. 4,928,908 (Horii) in combination with Gasse et al. According to the Examiner, Horii teaches a balloon formed from heat sealing a plastic film with a metal vapor deposited layer formed on one side, where the transparent plastic film is based on polyamides and polyolefins, and a seal layer. Although Horii does not teach the specific five layer plastic film,

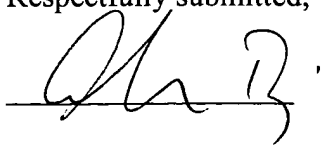
the Examiner takes the position that it would have been obvious to use the five layer film taught by Gasse et al. in the invention of Horii to obtain a balloon as claimed in Claims 3 and 4.

However, it is respectfully submitted that Claims 3-4 are nonobvious and patentable in view of Horii in combination with Gasse et al. Claims 3-4 depend on Claim 1 which, as discussed above, has been amended to expressly recite that the film is stretched in biaxial directions. In contrast, Horii does not teach or suggest stretching the film. As discussed above, Gasse et al. explicitly states that the film must not be stretched and therefore does not cure the deficiency of Horii. Furthermore, Horii is directed to a film comprising a metal vapor deposition layer formed on one side of a plastic film (Abstract). In contrast, Gasse et al. is directed to a film suitable for packaging foodstuffs (col. 1, lines 13-15). Moreover, Horii teaches that polyamides, polyesters, or polyolefins may be used as plastic films, and that an additional heat-sealable layer such as a polyethylene or vinylchloride film may be provided (col. 2, lines 61-65). Accordingly, Horii teaches a layer which contains at most two layers. Therefore, it would not have been obvious to combine Horii, which teaches a one-layer or two-layer film comprising a metal vapor deposition layer and which does not teach stretching the film, with Gasse et al., which teaches a film suitable for packaging foodstuffs and which cannot be stretched, to obtain the present invention. Accordingly, it is respectfully submitted that Claims 3-4 are not obvious in view of Horii in combination with Gasse et al. In view of the foregoing, withdrawal of the rejection under 35 U.S.C. § 103(a) of Claims 3-4 as obvious in view of Horii in combination with Gasse et al. is respectfully requested.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned **"Version with Markings to Show Changes Made."**

In view of the foregoing amendments and remarks, reconsideration and allowance of all claims are respectfully requested.

Respectfully submitted,



Louis S. Sorell
Patent Office Reg. No. 32,439

Andrea Dorigo
Patent Office Reg. No. 47,532

Attorney for Applicant
(212) 408-2620

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the specification:

On Page 1 after the title, please add the following:

CROSS-REFERENCE TO RELATED APPLICATIONS

This application is a national phase application of International Application No. PCT/JP99/02333, which was filed on April 27, 1999 and which published in Japanese on November 18, 1999, which in turn claims priority from Japanese Application No. 10 128 348, which was filed on May 12, 1998.

In the claims:

Claim 1 has been amended as follows:

1. (Amended) A film for forming a vapor deposited balloon, which comprises a five-layer structure composed of a polyamide resin layer, a polyolefin layer, a polyamide resin layer, an adhesive resin layer and a seal layer, the five layers being disposed in the order recited, wherein the film is stretched in biaxial directions and has a thickness of about 15 to about 35 μm.